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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,239	08/31/2001	Akio Takahashi	PW 027 7012 H7538US	1781

7590 08/01/2003

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EXAMINER

KIM, PAUL L

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,239	TAKAHASHI, AKIO	
Examiner	Art Unit		
Paul L Kim	2857		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 August 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 2,3, and 5 is/are allowed.

6) Claim(s) 1,4,7 and 8 is/are rejected.

7) Claim(s) 6 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3,4</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities: Claim 6 should be dependent on claim 5 instead of claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuji et al. in view of Marks.

With regard to claims 1, 4, 7, and 8, Tsuji et al. teaches a background noise eliminating apparatus comprising: an envelope detector that detects an envelope of an impulse response waveform (fig. 3, part 16), a section detector that takes an average of a section in the envelope during a predetermined time (col. 2, lines 15-19 and col. 4, lines 22-29), a determining device that determines a background noise component value (col. 4, lines 30-36), and a background noise component eliminator that reduces an absolute value of the sample data by the background noise component (fig. 14, part 30).

Tsuji et al. teaches the section detector taking an average value of an envelope over a predetermined time but does not teach the section detector detecting a slope of

the envelope that takes a value in a predetermined range including zero. Marks teaches a method of modifying waveforms in which a slope of an envelope takes a value of zero is detected and used to eliminate background noise (fig. 3 and col. 12, lines 55-64). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Tsuji et al., so that the slope of an envelope taking a value of zero is detected, as taught by Marks, so as to determine when the impulse response has been terminated in order to stop the background noise elimination process.

Allowable Subject Matter

4. Claims 2, 3, 5, and 6 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach a noise eliminating apparatus in which a DC offset value is determined from the impulse response waveform and then subtracted from the impulse response waveform.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ito and Holden both teach a howling cancellation system that takes an envelope of an impulse response waveform. Berdugo teaches a noise cancellation system by time domain processing sub-bands of a digital signal.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is 703-305-7468.

The examiner can normally be reached on Monday-Thursday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-4440 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PK
July 22, 2003


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800